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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/550,795

06/06/2006

Hiroshi Kubo

8003-1039

4002

466 7590 10/14/2008

YOUNG & THOMPSON
209 Madison Street
Suite 500
ALEXANDRIA, VA 22314

EXAMINER

O HERN, BRENT T

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

10/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/550,795	Applicant(s) KUBO ET AL.	
	Examiner Brent T. O'Hern	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/22/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-7 and 10-12 in the reply filed on 1 August 2008 is acknowledged.

The requirement is still deemed proper and is therefore made FINAL.

Information Disclosure Statement

2. The information disclosure statement filed 9/22/2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. Copies have not been presented for the Japanese references.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

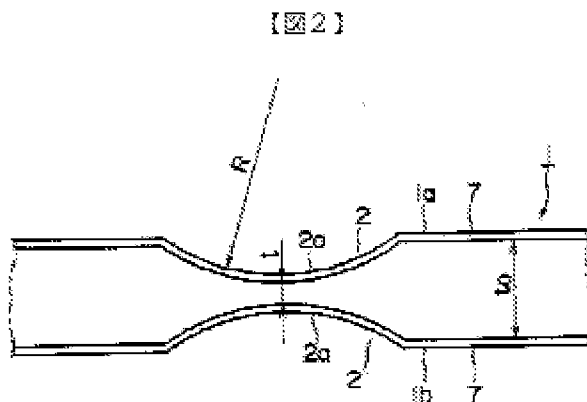
3. Claims 1-7 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamura et al. (US 5,900,325) in view of Yamanaka et al. (JP 200318734) and Iwasha et al. (JP 200158588).

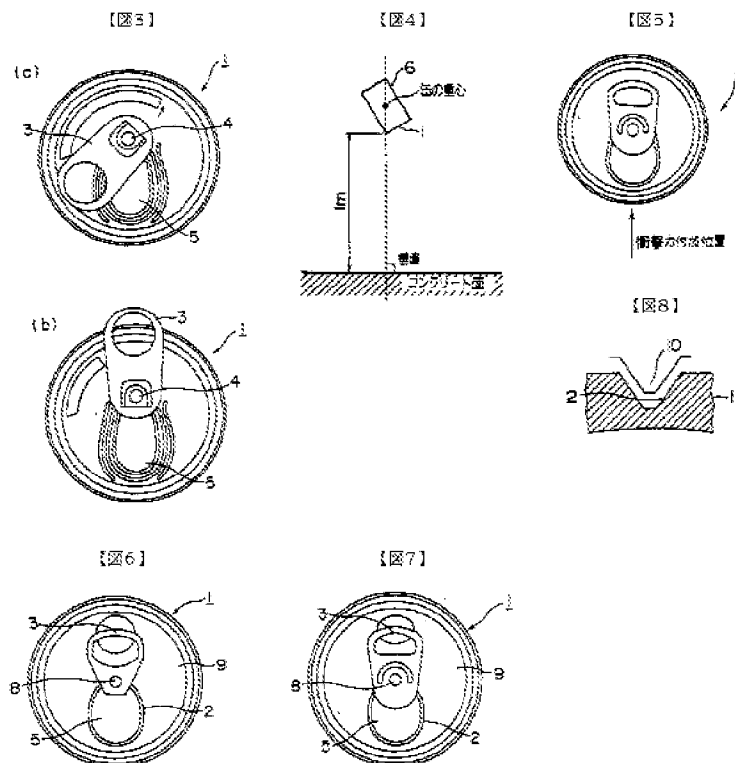
Okamura ('325) teaches an easy open end comprising a polyester resin film being a mixture of polyethylene terephthalate and polybutylene terephthalate, having

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about 5 minutes or shorter half crystallization time and at thicknesses from about 10 to about 30 μm on at least one side of a steel sheet, having a cross sectional shape with curvatures from about 0.1 to about 1 mm (See col. 5, l. 31 to col. 6, l. 24, col. 8, ll. 38-48, col. 10, ll. 26-33, col. 14, ll. 21-36.), however, fails to expressly disclose a 0.04 or smaller plane orientation coefficient, a tear off groove, the polyester being a copolyester resin, a polymer from the group consisting of ethylene glycol and butylene glycol with at least one dicarboxylic acid selected from the group consisting of terephthalic acid and isophthalic acid, wherein the polyester resin is a copolyester in which about 94 to about 98% by mole of a polybasic acid components being a terephthaloyl component.

Yamanaka ('734) teaches a co-polyester coated steel can lid with a radius of curvature of 0.1 to 1.0 mm having the above thickness, a tear-off groove with the coating being made of dicarboxylic acids, terephthalic acid, ethylene glycol, polyethylene terephthalate and polybutylene terephthalate (See paras. 23, 28, 47-50 and Drawings 2-6, coated metal can top #1, with polyester film #7, openings #2 and #5.) for the purpose of preventing corrosive deterioration of the metal can lid (See paras. 11, 74 and Abstract.).





Iwasha ('588) teaches co-polyesters made from ethylene glycol, dicarboxylic acids, isophthalic acid ethylene glycol, polyethylene terephthalate and polybutylene terephthalate with a coated metal can lid with a plane orientation coefficient of less than or equal to 0.15 with the copolyester having about 94 to about 98% by mole of a polybasic acid component being a terephthaloyl component (*See para. 24 and Abstract.*) for the purpose of providing a lid for a container that is strong, easy to make and an effectively bonded coating (*See paras. 1, 13-18, 24*).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time Applicant's invention was made to modify Okamura's ('325) polyester bonded lid with an effectively bonded polyester coated can lid that is resistant to corrosion and degradation as taught by Yamanaka ('734) and Iwasha ('588).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent T. O'Hern whose telephone number is (571)272-0496. The examiner can normally be reached on Monday-Thursday, 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Tarazano can be reached on (571) 272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brent T O'Hern/
Examiner, Art Unit 1794
October 5, 2008

/Elizabeth M. Cole/
Primary Examiner, Art Unit 1794